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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,594	05/24/2007	Andrea Battocchio	2006-0431A	2800
513 7590 06/12/2009 WENDEROTH, LIND & PONACK, L.L.P. 1030 15th Street, N.W., Suite 400 East Washington, DC 20005-1503				
EXAMINER				
PHAN, HAU VAN				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/573,594

**Applicant(s)**

BATTOCCHIO, ANDREA

**Examiner**

Hau V. Phan

**Art Unit**

3618

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 28-45 are objected to because of the following informalities: phrase "a method of propelling a wheeled platform comprising" should be added – comprising steps of --. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 41 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 41, it is not clear, what is new limitation of the claim.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 28-32, 34 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz (1,157,049) in view of Soo (5,342,071).**

Schultz in figures 1-4, discloses a steering device for a sports article having a plurality of supporting and sliding or rolling elements (7) provided in an in-line arrangement adapted to slide or roll on a supporting surface. The steering device comprises a chassis (2) having a longitudinal axis, a least one carriage (9) having one of the supporting and sliding or rolling elements provided in an in-line arrangement. The carriage is being provided at an end portion of the chassis such that the carriage is able to swing relative to the chassis about a swinging axis (11) that is inclined relative to the supporting surface. The swinging axis lies substantially on a median longitudinal plane of the chassis. Schultz also disclose an elastic structure (12) provided such that the carriage will swing relative to the chassis about the swinging axis against force of the elastic structure; wherein the one of the supporting and sliding or rolling elements have respective support axes that are substantially parallel to a plane that includes the longitudinal axis of the chassis and that is perpendicular to the medial longitudinal plane of the chassis; and wherein the carriage has a swinging center with respect to the chassis, and the support axes of the one of the supporting and sliding or rolling elements are on opposite sides of the swinging center with respect to the longitudinal axis of the chassis. Schultz fails to show at least two of the supporting and sliding or rolling.

Soo in figures 1-6, teaches an in-line roller skate having a carriage (30) having at least two of the supporting (35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the carriage of Schultz with the in-

line roller skate having a carriage comprising at least two of the supporting or sliding as taught by Soo in order to allow the in-line skate to pivot downward and rearward.

Regarding claim 23, Schultz discloses the chassis comprising a support member (5) at the end portion of the chassis having a surface that is inclined at an angle that is complementary to an angle of the swinging axis.

Regarding claim 24, Schultz discloses the carriage having an arm (9) connected to the support member. The arm has a surface that faces and is complementary to the surface of the support member.

Regarding claim 25, Schultz in combination with Soo disclose the carriage comprising a first fork and a second fork extending from opposite sides of the arm. The first fork and the second fork support a respective one of the two of the supporting and sliding or rolling elements in correspondence with the support axes.

Regarding claim 26, Schultz discloses the elastic structure interacts with the arm to elastically oppose swinging movement of the carriage.

Regarding claim 27, Schultz discloses the elastic structure comprises two structures housed within respective housings in the support member, the arm having respective projections extending therefrom and interacting with the structures.

Regarding claim 28, Schultz discloses the swinging axis, which is inclined at an angle relative to the supporting surface that is between, but not including, 0 ° and 90 °.

Regarding claim 29, Schultz discloses the swinging axis extending approximately in correspondence with or above the support axis of one of the two supporting and sliding or rolling elements that is closest to a middle portion of the chassis.

Regarding claim 30, Schultz in combination with Soo disclose the at least one carriage comprises a first carriage and a second carriage at respective end portions of the chassis, each of the first carriage and the second carriage supporting a pair of the supporting and sliding or rolling elements.

Regarding claim 31, Schultz in combination with Soo disclose the first carriage and said second carriage are arranged so as to symmetrically oppose each other.

Regarding claim 32, Schultz in combination with Soo disclose the supporting and sliding or rolling elements comprising at least four wheels.

Regarding claim 34, Schultz in combination with Soo disclose the lines connecting the support axes of the supporting and sliding or rolling elements are parallel to the supporting surface.

**6. Claims 33, 36, 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz (1,157,049) in view of Soo (5,342,071) as applied to claim 22 above, and further in view of Oliemans et al. (5,904,360).**

The combination of Schultz and Soo discloses the supporting and sliding elements comprising wheels, but fails to show the wheels, which can be in different sizes.

Oliemans et al. in figures 5-26, teach an in-line skate having wheels, which in different sizes. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the steering device of Schultz in view of Soo with the in-line skate having wheels, which can be in different sizes as taught by Oliemans et al. in order to increase the performance of the in-line skate.

Regarding claim 36, Schultz discloses a line connecting the support axes of the wheels is inclined with respect to the supporting surface.

Regarding claim 38, Oliemans et al. teach the wheels including wheels that are located in a central portion of the chassis and front and rear wheels, the wheels located in the central portion being smaller in diameter than the front wheel and the rear wheel; an a line connecting support axes of the front wheel and a forward-most one of said wheels that are located in the central portion being inclined oppositely to a line connecting support axes of the rear wheel and a rearward-most one of the wheels that are located in the central portion with respect to the supporting surface.

Regarding claim 39, Schultz in combination with Soo disclose the swinging axis is at an angle of 90 °with respect to the supporting surface.

**7. Claims 35, 37 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz (1,157,049) in view of Soo (5,342,071) and Oliemans et al. (5,904,360)as applied to claim 33 above, and further in view of Murphy (7,309,069).**

The combination of Schultz, Soo and Oliemans disclose the supporting and sliding elements comprising wheels, but fails to show the wheels, which can be in different sizes.

Murphy in figure 1-3, teaches an in-line skate having different wheels, which can be in different diameter. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the steering device of Schultz in view of Soo and Oliemans et al. with the in-line skate having wheels, which can be in different sizes

as taught by Murphy in order to allow the in-line skate to carry more speed when the user is turning.

**8. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schultz (1,157,049) in view of Soo (5,342,071) as applied to claim 41 above, and further in view of Meyer (2,998,260).**

The combination of Schultz and Soo discloses the supporting and sliding elements comprising wheels, but fails to show the wheels, which can be interchangeable to ice blades, short skis and the like.

Meyer in figures 1-4, teaches an interchangeable skate, which can be changed from wheels to ice blades, short skis. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the steering device of Schultz in view of Soo with the concept of interchangeable skate, which can be changed from wheels to ice blades as taught by Meyer in order to provide convenience to the user in economy and don't have to carry duplication of shoes.

#### ***Response to Arguments***

9. Applicant's arguments with respect to claims 22-42 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP



§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V. Phan whose telephone number is 571-272-6696. The examiner can normally be reached on 7:30AM-4:00PM.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hau V Phan/  
Primary Examiner, Art Unit 3618